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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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AMERICAN BANKERS)
INSURANCE COMPANY OF)
FLORIDA,)

Case No. 3:04 CV 089 - M U

Plaintiff,)

DEFAULT JUDGMENT

vs.)

SHANELL MARIE THOMAS,)
HANSOME KELLY, by and)
through his mother, SHANELL)
MARIE THOMAS, and JEROME)
DANTZLER,)

Defendant.)

THIS CAUSE being presented to the Western District of North Carolina Federal Court on Plaintiff's Motion for Default Judgment. Upon review of the file, along with all affidavits and pleadings, it appearing to the Court that the Plaintiff is entitled to default judgment on this declaratory judgment action. The Court hereby FINDS, ADJUDGES AND DECREES as follows:

1. The Court has jurisdiction over the subject matter of this action;
2. This declaratory judgment action was originally filed on March 2, 2004 by the Plaintiff seeking determination as to coverage under a North Carolina automobile insurance policy between the Plaintiff and Defendant Thomas;
3. That personal service was had upon the Defendant, SHANELL MARIE THOMAS, and that Ms. Thomas filed a Motion for Extension of Time;

4. That Defendant, SHANELL MARIE THOMAS, is under no disability and has failed to plead or otherwise appear in the time allotted by the Court Order of May 23, 2004;

5. That default has been entered against Defendant Thomas;

6. That all allegations of the Complaint are hereby deemed admitted by Defendant Thomas's failure to respond to the allegations of the Complaint;

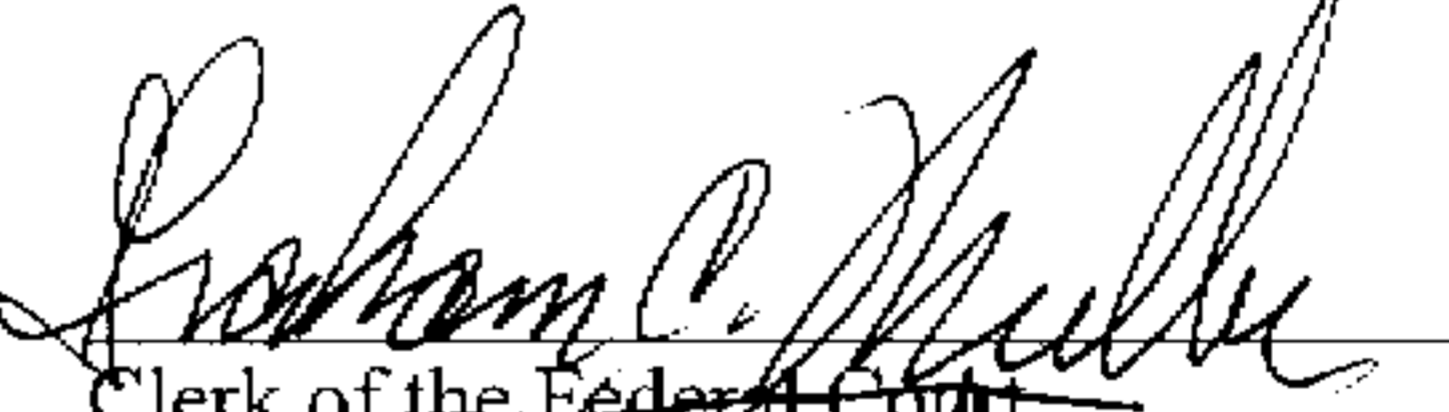
7. That the representations made by Defendant Thomas were fraudulent in the inducement of the North Carolina policy;

8. That the representations by Defendant Thomas void the insurance policy *ab initio*;

9. That default judgment is granted against Defendant Thomas and in favor of the Plaintiff for all allegations of the declaratory judgment action; and

10. That all parties are to bear their respective costs of this action.

This the 22 day of May, 2005.


~~Clerk of the Federal Court~~
Ch. Judge